



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARK
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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10/026691

DO NOT MAIL

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

(1) MR PERKINS ASST LAWYER (3) _____

(2) EXR WEINSTEIN (4) _____

Date of Interview 6/7/04

Type: ☐ Telephonic ☐ Televideo Conference ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☐ No If yes, brief description: _____

Agreement ☐ was reached. ☐ was not reached.

Claim(s) discussed: _____

Identification of prior art discussed: _____

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: _____

NO RESPONSE WAS FILED TO THIS OFFICE ACTION
MAILED 12/1/03

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04) If a reply to the last Office action has been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

Examiner Note: You must sign this form unless it is an attachment to another form.

Steve Weinstein
STEVE WEINSTEIN
PRIMARY EXAMINER

BEST AVAILABLE COPY

Manual of Patent Examining Procedure, Section 712.01 Substance of Interview must Be Made of Record

Except as otherwise provided, all conference with an examiner on the substance of any issue in dispute or information disclosed with regard to an applicant's substantive claims shall be made of record in the examination file, whether or not an agreement with the examiner was reached at the interview.

(1) CDS Interviews

1.1.1.1

(2) In every instance where examination is requested in view of an interview without a meeting, a complete written statement of the matters presented at the interview as occurring (including claims made to the applicant by the applicant, an attorney, or an agent) shall be made of record in the examination file as required by 37 CFR 1.101 and 1.103, 1.108 or 1.109.

1.1.2. (3) Except as to the interview in writing, all interviews with the Patent and Trademark Office should be conducted in writing. The general attendance of attorneys or their attorneys or agents at the Patent and Trademark Office is unnecessary. The Patent and Trademark Office will be treated exclusively as the interview record in the Office. No attorney will be present at any alleged oral interview, negotiation, or understanding in relation to which there is disagreement or doubt.

The Patent and Trademark Office will be treated exclusively as the interview record in the Office of the Patent and Trademark Office, whether the interview is conducted in writing or orally.

It is the responsibility of the applicant or the attorney or agent to make the substance of all interviews of record in the examination file, unless the examiner indicates to the contrary. It is the examiner's responsibility to make the substance of all interviews of record in the examination file, unless the examiner indicates to the contrary.

Examiners must complete a two sheet carbon with the Interview Summary Form for each interview held after January 1, 1973 when a meeting of substance has been conducted during the interview by recording the appropriate issues and the results of the interview in the Interview Summary Form. The Interview Summary Form is to be completed by the examiner and the results of the interview in the Interview Summary Form. The Interview Summary Form is to be completed by the examiner and the results of the interview in the Interview Summary Form. The Interview Summary Form is to be completed by the examiner and the results of the interview in the Interview Summary Form.

The Interview Summary Form shall be given an appropriate paper number, placed in the right hand portion of the file, and read on the "Comments" list on the last page of the interview. In a personal interview, the duplicate copy of the Interview Summary Form is given to the applicant or attorney or agent at the conclusion of the interview. In the case of a telephone interview, the copy is mailed to the applicant's representative address after the interview as prior to the next office communication.

The Form contains the following information:

- Application Number of the application
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (written or telephone)
- Name of representative(s) (applicant, attorney or agent, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the issues discussed
- An identification of the applicant's position
- An indication whether an agreement was reached and if so, a clear plain of the general terms of the agreement (made by attachment of a copy of any minutes or claims agreed on being discussed) (Agreements are tentative and do not constitute a binding agreement by the examiner or the applicant)
- The signature of the examiner who conducted the interview
- Initials of other Patent and Trademark Office personnel present

The Form also contains a statement requiring the applicant to acknowledge the substance of the interview.

It is desirable that the examiner fully record the substance of all interviews in the examination file. The examiner should check a box in the section of the Form indicating the applicant's position on the substance of the interview. The examiner should check a box in the section of the Form indicating the applicant's position on the substance of the interview. The examiner should check a box in the section of the Form indicating the applicant's position on the substance of the interview.

A disclaimer must, however, that the Interview Summary Form will not normally be submitted as evidence and proper recognition of the interview under the rules of evidence is required. It is the examiner's responsibility to make the substance of all interviews of record in the examination file, unless the examiner indicates to the contrary.

A complete and proper record of the substance of any interview should include at least the following applicable items:

- (1) A brief description of the nature of any exhibit shown or any demonstration conducted.
- (2) An identification of the issues discussed.
- (3) An identification of the applicant's position.
- (4) An indication whether an agreement was reached and if so, a clear plain of the general terms of the agreement (made by attachment of a copy of any minutes or claims agreed on being discussed) (Agreements are tentative and do not constitute a binding agreement by the examiner or the applicant).
- (5) The signature of the examiner who conducted the interview.
- (6) The signature of the applicant or attorney or agent.
- (7) An indication whether an agreement was reached and if so, a clear plain of the general terms of the agreement (made by attachment of a copy of any minutes or claims agreed on being discussed) (Agreements are tentative and do not constitute a binding agreement by the examiner or the applicant).

Examiners are expected to carefully interview applicants and record the substance of all interviews. If the record is not complete as required, the examiner will give the applicant an opportunity to complete the record by the next office communication. The examiner will give the applicant an opportunity to complete the record by the next office communication. The examiner will give the applicant an opportunity to complete the record by the next office communication.

Examiner to Check for Accuracy

Accuracy of the interview record is the responsibility of the examiner. The examiner should check the accuracy of the interview record by the next office communication. The examiner should check the accuracy of the interview record by the next office communication. The examiner should check the accuracy of the interview record by the next office communication.